

## **EXHIBIT E**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Electronic System for Trademark Trials and Appeals**

## Receipt

Your submission has been received by the USPTO.

The content of your submission is listed below.

You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA126617**  
Filing date: **02/23/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

Name	Corporate Risk Management, Inc.
Granted to Date of previous extension	05/09/2007
Address	350 East Ogden Avenue Westmont, IL 60559 UNITED STATES

Attorney information	John E. Lyhus Fitch, Even, Tabin & Flannery 120 South LaSalle, Suite 1600 Chicago, IL 60603-3406 UNITED STATES Trademark@fitcheven.com Phone:312.577.7000
-------------------------	--

#### Applicant Information

Application No	78804281	Publication date	01/09/2007
----------------	----------	---------------------	------------

<b>Opposition Filing Date</b>	02/23/2007	<b>Opposition Period Ends</b>	05/09/2007
<b>Applicant</b>	Compensation Risk Managers, LLC 112 Delafield Street Poughkeepsie, NY 12601 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 2005/12/21 First Use In Commerce: 2005/12/21  
 All goods and services in the class are opposed, namely: Group self insurance programs and trusts for workers' compensation insurance

**Applicant Information**

<b>Application No</b>	78804282	<b>Publication date</b>	01/09/2007
<b>Opposition Filing Date</b>	02/23/2007	<b>Opposition Period Ends</b>	
<b>Applicant</b>	Compensation Risk Managers, LLC 112 Delafield Street Poughkeepsie, NY 12601 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 2002/11/00 First Use In Commerce: 2002/11/00  
 All goods and services in the class are opposed, namely: Group self insurance programs and trusts for workers' compensation insurance

<b>Attachments</b>	Corporate Risk v. Compensation Risk.pdf ( 5 pages )(166769 bytes )
<b>Signature</b>	/John E. Lyhus/
<b>Name</b>	John E. Lyhus
<b>Date</b>	02/23/2007

[Return to ESTTA home page](#) [Start another ESTTA filing](#)

5760-87674

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Corporate Risk Management, Inc.,	)
Opposer,	)
	)
v.	)
	)
Compensation Risk Managers, LLC,	)
Applicant.	)
	)
	)
Serial No. 78/804,281	)
Filed: February 1, 2006	)
Mark: CRM HOLDINGS	)
Published: January 9, 2007	)
	)
Serial No. 78/804,282	)
Filed: February 1, 2006	)
Mark: CRM and Design	)
Published: January 9, 2007	)

**NOTICE OF OPPOSITION**

Corporate Risk Management, Inc., having a principal place of business at 350 East Ogden Avenue, Westmont, Illinois 60559 (hereinafter referred to as "CRM") believes that it will be damaged by registration of the mark CRM HOLDINGS, Application No. 78/804,281 and the mark CRM and Design, Application No. 78/804,282 by Compensation Risk Managers, LLC (hereinafter referred to as "Applicant") and hereby opposes the same upon the following grounds:

**COUNT 1: LIKELIHOOD OF CONFUSION**

I. In its Application No. 78/804,281, filed February 1, 2006, Applicant seeks registration on the Principal Register of the mark CRM HOLDINGS in connection with "group self insurance programs and trusts for workers' compensation insurance" in International Class

2. In its Application No. 78/804,282, filed February 1, 2006, Applicant seeks registration on the Principal Register of the mark CRM and Design in connection with "group self insurance programs and trusts for workers' compensation insurance" in International Class 36.

3. Upon information and belief, Applicant cannot claim priority in its mark CRM HOLDINGS earlier than the alleged December 21, 2005 first use date asserted in Application No. 78/804,281.

4. Upon information and belief, Applicant cannot claim priority in its mark CRM and Design earlier than the alleged November 2002 first use date asserted in Application No. 78/804,282.

5. CRM began using the mark and trade name CRM at least as early as January 1, 1979 in providing insurance brokerage services, employee benefit plans services, worker's compensation coverage services, risk management services, insurance-related litigation support services, and related services in the insurance and risk management fields.

6. Based on CRM's longstanding, continuous and extensive use of the CRM mark in commerce, on August 26, 2002 CRM filed an application for which the U.S. Patent and Trademark Office on December 13, 2005 issued Registration No. 3,026,363 for the mark CRM covering "insurance brokerage, administration of employee benefit plans, and risk management services" in International Class 36 and "litigation support services for insurance-related cases and issues" in International Class 42. CRM's Registration No. 3,026,363 is presently valid and subsisting.

7. CRM has enjoyed continuous and substantial sales of its services in connection with the CRM mark and trade name.

8. By reason of CRM's longstanding and extensive marketing, advertising and promotion of its services in connection with the CRM mark and trade name, and the high quality of those services, the CRM mark and trade name have developed extremely valuable goodwill and a reputation associated and identified with CRM long before the Applicant can assert any priority in either the CRM HOLDINGS mark or the CRM and Design mark.

9. Applicant's adoption and use of the marks CRM HOLDINGS and CRM and Design have been without the consent or permission of CRM.

10. On information and belief, Applicant's adoption and use of its marks CRM HOLDINGS and CRM and Design have been with actual or constructive knowledge of CRM's prior use of, application for, and registration of its CRM mark in connection with its services.

11. The specified services for which Applicant seeks registration of the marks CRM HOLDINGS and CRM and Design are identical or highly related to the services specified in CRM's Registration No. 3,026,363, and to the services CRM provides in connection with its CRM mark and trade name.

12. The Applicant's marks CRM HOLDINGS and CRM and Design in connection with the specified services are promoted in the same channels of trade and to the same potential purchasers as those in connection with CRM and its CRM mark and trade name.

13. The Applicant's CRM HOLDINGS mark and CRM and Design mark wholly incorporate CRM's CRM mark and trade name, and each of the Applicant's marks is confusingly similar to CRM's CRM mark and trade name.

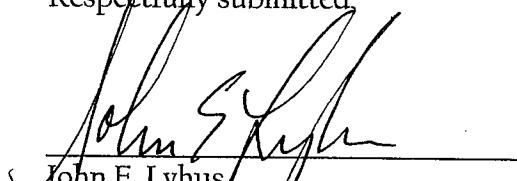
14. If Applicant is granted registration of its CRM HOLDINGS mark and CRM and Design mark as set forth in Application Serial Nos. 78/804,281 and 78/804,282, Applicant will thereby obtain the *prima facie* exclusive right to use such marks, and such registrations will damage, impair, diminish, and dilute CRM's goodwill and rights in its CRM mark and trade name causing irreparable injury to CRM.

15. Applicant's CRM HOLDINGS mark and CRM and Design mark are likely to cause confusion, mistake, or deception that Applicant's services are those of CRM or are otherwise endorsed, sponsored, or approved by CRM, whereby CRM will be damaged by the registration of Applicant's marks CRM HOLDINGS and CRM and Design on the Principal Register of the United States Patent and Trademark Office.

**PRAYER FOR RELIEF**

WHEREFORE, CRM prays that Application Serial Nos. 78/804,281 and 78/804,282 be rejected; and, that registration of the marks CRM HOLDINGS and CRM and Design be refused.

Respectfully submitted,



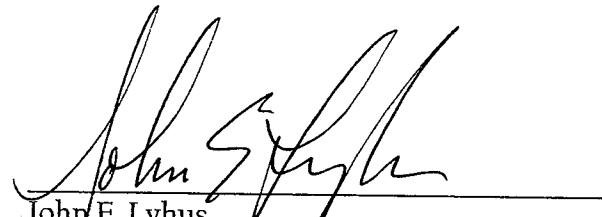
John E. Lyhus  
Fitch, Even, Tabir & Flannery  
120 South LaSalle, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: 312.577.7000  
Facsimile: 312.577.7007

*Attorney for Opposer*

CERTIFICATE OF OPPOSER'S ATTORNEYS

We hereby certify that we are trademark attorneys for Corporate Risk Management, Inc., Opposer herein, and that we have been instructed to file the foregoing Opposition. We are, therefore, filing this Opposition under Section 13 of the Trademark Act of 1946 and under Trademark Rule 2.101.

FITCH, EVEN, TABIN & FLANNERY



February 23, 2007

John E. Lyhus  
Fitch, Even, Tabin & Flannery  
120 South LaSalle, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: 312.577.7000  
Facsimile: 312.577.7007

*Attorney for Opposer*